

**AMENDMENTS TO THE SPECIFICATION:**

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 1-3, replaces the previous version of the sheet including Figs. 1-3. In Fig. 2, reference numerals 205a and 205b have been added to indicate heating conductors, which were originally disclosed in the present specification and are now recited as a claimed element in new claims 20-23. In addition, in Fig. 2, the outline of cavity 6 has been shown by a dotted line.

Attachment: One (1) replacement sheet

## **REMARKS**

### **I. Introduction**

Claims 10-14 and 16-23 are pending in the present application after the addition of claims 20-23. Claims 16, 18 and 19 have been amended. Claim 17 has been allowed.

### **II. Claim Objections**

In response to the Examiner's objection to claims 16 and 19 as being substantial duplicates of claims 18 and 17, respectively, Applicants have amended claims 16 and 19 to incorporate additional limitations which clearly distinguish claims 16 and 19 from claims 18 and 17, respectively. Therefore, withdrawal of the objection is requested.

In view of the facts that: (a) claim 17 has been allowed; and (b) claim 19, which was alleged to be substantially identical to claim 17, has now been amended to recite additional limitations, Applicants submit that amended claim 19 is also in allowable condition. In particular, Applicants note that nothing in the applied art teaches or suggest the limitation that "the first chip and the second chip are connected to one another in a hermetically sealed fashion . . . ; and the first detector and the second detector are hermetically isolated from each other," as recited in claim 19.

### **III. Rejection of Claims 10, 11, 13, 14, 16 and 18**

Claims 10, 11, 13, 14, 16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong (U.S. Patent 5,721,430). Claim 16 has been canceled. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory

statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claims 16 and 18 recite, in relevant parts, “a first chip on which are arranged the first detector and the second detector; . . . a second chip on which are arranged the first filter and the second filter; wherein: the first chip and the second chip are connected to one another in a hermetically sealed fashion; and a hermetic seal between the first and second chips includes a **bonding web connecting the first and second chips.**”

In support of the rejection, the Examiner contends that because Wong teaches “that dust buildup on said detectors may result in a drop of the output signal corresponding to the spectral bands (column 17, lines 4-17), . . . providing a hermetic seal between the first and second chips including a bonding web would have been obvious . . . in order to increase life expectancy of the detector assembly.” (Office Action, p. 3-4). However, the Examiner’s conclusion is completely unsupported by the actual disclosure of the cited portion of Wong. What the cited portion of Wong actually discloses is that the provision of **the window 44** achieves two goals: (a) “by including window 44, the detector assembly 3 illustrated in FIGS. 4 and 5 can be hermetically sealed and thus increase the life expectancy for the detector assembly” (col. 17, l. 5-7); and (b) “by **including window 44** in detector assembly 3, **the original signal strength** [which has been lost due to dust and grease buildup] **can be easily restored by cleaning** window 44 . . . [which] is not possible if window 44 is omitted” (col. 17, l. 8-13). Accordingly, it is completely beyond debate that mere **provision of window 44** in Wong obviates the issue of dust and grease buildup, and therefore there is simply no logical basis to contend that the disclosure of Wong would somehow suggest the **additional provision of a bonding web**, let alone suggest “a **bonding web connecting the first and second chips**” to achieve the “hermetic seal between the first and second chips.”

For at least the foregoing reasons, independent claims 16 and 18, as well as dependent claims 10, 11, 13 and 14, are allowable over Wong.

#### **IV. Rejection of Claim 12**

Claim 12, which depends on claim 18, has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wong in view of Tomonari (U.S. Patent No. 5,426,412).

As explained above, parent claim 18 is clearly patentable over Wong. In addition, the teachings of Tomonari have been cited in connection with the thermal decoupling limitation of dependent claim 12, and Tomonari clearly does not remedy the deficiencies of Wong as applied against the limitations of parent claim 18. Therefore, dependent claim 12 is allowable over the overall teachings of Wong and Tomonari.


#### **V. New Claims 20-23**

New claims 20-23, which depend on claims 16-19, respectively, further recite "a self-test mechanism for the device, wherein the self-test mechanism includes at least one heating conductor configured to apply heat to at least one of the first and second detectors." This feature is fully described in the Substitute Specification, e.g., p. 4, l. 26-31. In order to comply with the relevant rules and regulations, the specification and the drawings have been amended to specifically include the reference numerals for the claimed "at least one heating conductor." Applicants respectfully submit that new claims 20-23 are allowable in view of (a) their dependence on allowable independent claims 16-19, and (b) lack of suggestion in the applied prior art regarding the claimed "self-test mechanism" limitation.

#### **CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,  
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